

TOWN OF LOOMIS

ACTION MINUTES
REGULAR MEETING OF
LOOMIS TOWN COUNCIL
LOOMIS TOWN HALL,
6140 HORSESHOE BAR ROAD, SUITE K
LOOMIS, CA 95650

TUESDAY

MAY 9, 2006

7:00 P.M.

CLOSED SESSION – Pursuant to cited authority, the Town Council will hold a closed session to discuss the following listed items. A report of any action taken will be presented prior to adjournment of the regular meeting.

a. CONFERENCE-WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Subdivision (a) of Section 54956.9: Bickford Ranch Heritage Coalition v. County of Placer Placer County Case No. SCV 12793

b. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Pursuant to Section 54956.9 of the Government Code:

Property: APN 044-007-064, 044-008-030 and 044-012-055 (Union Pacific Railroad property

beginning at Loomis Station and running southwest toward Sierra College Blvd)

Agency Negotiator: Perry Beck, Town Manager

Negotiating Parties: Union Pacific Under Negotiation: Price and term

c. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Pursuant to Section 54956.9 of the Government Code:

Property: APN 044-007-064, 044-008-030 and 044-012-055 (Hunter Oaks Subdivision lot 2 and/or lot 3)

Agency Negotiator: Perry Beck, Town Manager

Negotiating Parties: Helene Nichols, Realtor Stoneridge Realty

Under Negotiation: Price and term

d. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Initiation of litigation pursuant to subdivision Section 54956.9: Three potential cases

TUESDAY

MAY 9, 2006

7:30 P.M.

CALL TO ORDER

Call to order by Mayor Morillas at 7:40 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present:

Mayor Morillas
Councilmember Fuson
Councilmember Millward
Councilmember Scherer
Councilmember Ucovich

Absent: None

STATEMENT OF ACTION TAKEN DURING CLOSED SESSION

- a. No action.
- b. No action.
- c. No action.
- d. No action.

MATTERS OF INTEREST TO COUNCILMEMBERS

Councilmember Scherer stated on the next agenda he would like to have a discussion on an entry feature at the corner of Sierra College Boulevard and Taylor Road before any projects move forward in that area.

Councilmember Ucovich noted the following:

- Friday evening the California Legislature passed a transportation bond
- there is potential funding for the improvements on Interstate 80
- imperative we proceed forward for our planning on King Road and Interstate 80 ramp

All items on the agenda will be open for public comment before final action is taken. Speakers are requested to restrict comments to the item as it appears on the agenda and stay within a five-minute time limit. The Mayor has the discretion of limiting the total discussion time for an item.

Written Material Introduced Into the Record: Citizens wishing to introduce written material into the record at the public hearing on any item are requested to provide a copy of the written material to the Town Clerk prior to the public hearing date so that the material may be distributed to the Town Council prior to the public hearing.

PUBLIC COMMENT: This time is reserved for those in the audience who wish to address the Town Council on subjects that are not on the Agenda. The audience should be aware that the Council may not discuss details or vote on non-agenda items. Your concerns may be referred to staff or placed on the next available agenda. Please note that comments from the public will also be taken on any item on the agenda. The time allotted to each speaker is five minutes.

Kathryn Wolff, 3347 Kathy Way, gave Council a document and discussed the following:

- the ongoing development on Swetzer Court behind her property, Emard Development
- the developer has torn down a sound/barrier wall and has left open/gaping holes
- she has a pool and dog in her back yard and is concerned with liability
- the developer is ignoring staff and continues to work
- she is looking to the Council as the enforcing body to represent the residents

Mayor Morillas suggested having this item on the next agenda for an update.

ADOPTION OF AGENDA

A motion to adopt the Agenda. On motion by Councilmember Ucovich, seconded by Councilmember Millward and passed by voice vote.

OPPORTUNITY TO COMMENT ON CONSENT CALENDAR: All items listed under the Consent Agenda are considered by the Council to be routine in nature and will be enacted by one motion unless an audience member or Councilmember requests otherwise, in which case, the item will be removed for separate consideration.

Dave Larsen, Town Attorney, asked to revise item 9, in the resolution where it says an "easement granted" should say " easement offered,"

A motion was made to approve the Consent Agenda revising item 9 as noted and pulling items 7, 8, and 10 forward for discussion. On motion by Councilmember Ucovich, seconded by Councilmember Millward and passed by the following roll call vote:

Ayes: Fuson, Millward, Morillas, Scherer, Ucovich

Noes: None

CONSENT AGENDA RECOMMENDED ACTION Council Minutes - 4/11/06 **APPROVE** 2. Monthly Check Register - April RECEIVE AND FILE 3. Statement of Activity RECEIVE AND FILE 4. Treasurer's Report RECEIVE AND FILE 5. Planning Status Report RECEIVE AND FILE

Select Projects Update RECEIVE AND FILE 6. A Resolution of the Town Council of the Town of Loomis ADOPT RESOLUTION 9. Accepting Offers of Dedication For The Heritage Park Resolution 06-18 Estates Subdivision Phase 2 A Resolution of the Town Council of the Town of Loomis ADOPT RESOLUTION 11. Authorizing the Town Manager to Enter Into Three Land Resolution 06-17 Conservation Contracts Pursuant to Government Code § 51254 RECEIVE AND FILE 12. Preliminary 2006-07 Budget Receipt of 2005 Fiscal Audit from Campbell, Benn & Taylor RECEIVE AND FILE 13.

A Resolution of the Town Council of the Town of Loomis 14. Authorizing the Town Manager to Execute a Contract With Resolution 06-19 Campbell, Benn & Taylor To Do An Annual Audit For The Town in Accordance with OMB Circular A-133

ADOPT RESOLUTION

CONSENT-ITEMS FORWARDED.

A Resolution of the Town Council of the Town of Loomis Amending Its Street Naming Policy

ADOPT RESOLUTION

Perry Beck, Town Manager, noted the following revisions to the resolution (page 3, under "X. Examples of Appropriate Names":

- "The following" instead of "he following"
- "Royal Ann" instead of "Royal Anner"
- "Bartlett" instead of "Barlett"
- "Labels" instead of "Lables"

No public comment.

A motion was made to approve Resolution 06-16, with the revisions, Amending Its Street Naming Policy. On motion by Councilmember Ucovich, seconded by Councilmember Scherer and passed by voice vote.

Del Mar Avenue Culvert Repair Update 8

RECEIVE AND FILE

Councilmember Fuson questioned the repairs, severity of the culvert and the health and safety issue.

Brian Fragiao, Town Engineer/Public Works Director, expounded on the process with the Federal Emergency Management Agency (FEMA) to receive assistance for the culvert repair and noted they were monitoring it for safety until the work can be done.

No public comment.

Received and filed.

Authorize Town Manager to Sign the Consulting Services 10. Agreement With Crawford Multari & Clark Associates To Complete the Proposed General Plan Revisions Council Approved in January 2006

APPROVE

Councilmember Ucovich questioned whether the Vacant Land Inventory and the Senior Housing studies are needed.

No public comment.

Following further discussion on the matter, a motion was made to revise the tasks to only include the sphere of influence and continue this item to the next meeting. On motion by Councilmember Ucovich, seconded by Councilmember Millward and passed by the following roll call vote:

Fuson, Millward, Morillas, Scherer, Ucovich Ayes:

Noes: None

15. Auburn Placer Disposal

Auburn Placer Disposal is requesting a rate change that will increase refuse services ranging from 1.30% to 2.48% and decrease 3.3% in debris box service

Recommended action: Adopt resolution

Public comment:

John Rowe, Auburn Placer Disposal, expounded on the services and answered questions.

No public comment.

A motion was made to approve Resolution 06-20, approving a rate increase to the solid waste refuse collection and hauling contract for Auburn Placer disposal. On motion by Councilmember Ucovich, seconded by Councilmember Millward and passed by the following roll call vote:

Ayes: Fuson, Millward, Morillas, Scherer, Ucovich

Noes: None

BUSINESS

16. Heritage Park Subdivision Pond and Open Space Fencing

Area residents submitted a petition asking for reconsideration of fencing around the Heritage Park subdivision pond and open space area

Recommended action: Approve fencing the Heritage Park subdivision pond and open space secure the area and direct staff to research how some park like use might be accommodated on the site

Public comment:

Dana Eagen, 4041 Pauline Circle, stated the following:

- they don't want a fence put in and then forgotten about
- there is wildlife there that needs to be somewhat protected
- they would like to see if there could be pathways so that residents can take walks and enjoy the area
- it has not been a danger all the years they have been there

Tim Morton, 5921 Becky Way, stated the following:

- agreed with Mr. Eagen
- pointed out there are a lot of wetlands/ponds in Placer County around houses that have not been fenced off
- it is a parenting issue rather then a Town issue
- would like to get rid of the chain link fence and put plants around it or leave it natural

Council directed staff to come back with more information on the retention pond such as: how flexible is the Army Core of Engineers, a visual design of what can be done and information about liability.

17. Animal Control Update

Council asked for an update on animal control issues

Recommended action: Receive and file

Public comment:

Rosemary Frieborn, Friends of Placer County Animal Shelter, stated the following:

- something needs to be done with the Auburn facility
- the Town can help by asking them to recognize how important it is for the residents
- the current facility is maxed out, they can't accommodate for the growth in the County
- asking the Board of Supervisors to elevate Animal Control and make it a stand alone department

Mechelle Buhan, Friends of Placer County Animal Shelter, stated the following:

- the Auburn Animal Shelter was originally built as a dairy barn
- the improvements that have been made have been thrown together
- they need a new shelter
- there is no room for public education

Mike Winters, Placer County Animal Control Manager, distributed information regarding data from daily logs and dispatch logs by street address and answered questions.

Received and filed.

18. Cowpoke Fall Gathering

The Cowpoke Fall Gathering group has submitted a request for assistance in doing the annual cowboy poetry in the fall

Recommended action: Discuss and approve an appropriate amount of assistance if warranted and direct that the amount be included in the 2006/07 budget line item Donations and Awards

Public comment:

No public comment.

Continued to June 13, 2006.

19. Second Unit Information and Code Enforcement Issue

Consider whether the second unit provisions in the code are sufficient or should be evaluated for changes; and review code enforcement actions occurring on Grazing Lane

Recommended action: Discuss and give direction

-Public comment:

Carl DeWing, 3662 Grazing Lane, stated the following:

- asked Council to revisit the issue of second units on lots of one acre or more

- the 1993 ordinance required "the owner to occupy one of the units" and in the 2003 revision it was eliminated
- owners generally take care of their property better then renters
- by eliminating the wording in the 2003 revision in the Zoning Ordinance the Town has set up a situation that will result in future disputes and problems for the Town
- the issue is the maintenance of their property values and asked the Town to preserve those values by revisiting the issue of second units
- recommended putting a moratorium on any application for second unit permits until this is resolved

Joe Fernandez, 3692 Grazing Lane, stated the following:

- not opposed to affordable housing done in other ways
- the impact on the infrastructure was not addressed
- there should not have been a revision in 2003 eliminating the owner living on the property

Peggy Satterlund, 3716 Grazing Lane, stated the following:

- when adding a small house to the neighborhood it adds many impacts to the area, such as an extra drive-way, patio, etc.
- when an owner lives on the property they usually have a vested interest in how it is maintained

Nanette Olson, 3733 Grazing Lane, stated she has been working with the Town for over a year and a half and has complied with everything she has been asked to.

Following further discussion on the matter, Council directed staff to research this and come back with different ways to deal with some of the issues discussed such as enforcement, how the second units are processed, moratorium, and how to deal with grandfathered units.

20. Service Fees

Consider resolution and accompanying papers prepared to consolidate the service fees adopted in December 2005 and adopt those the Council reviewed at the last Council meeting **Recommended action:** Adopt resolution

Public comment:

No public comment.

Continued to June 13, 2006.

21. Policy Issues Related to Open Space

Discuss policy issues related to open space and wetlands in Town

Recommended action: Discuss and give direction

Public comment:

Jeff Jones, representing Poppy Ridge 2, expounded on how they were protecting the Poppy Ridge 2 resources/wetlands (6 $\frac{1}{2}$ acres of encumbered easement areas protecting 1.6 acres of wetlands in the subdivision) and answered questions.

Jean Wilson, Planning Commissioner, urged Council to leave some flexibility in working with different wetlands/open space situations as a case by case basis.

Greg Obranovich, 3661 Bankhead Road and Planning Commission Chairman, stated the following (regarding Poppy Ridge 2 wetlands):

- the Planning Commission is leaning towards the proposal of the dedication of the wetland area as an easement

- they are requesting guidance from the Council on what to do so that whatever decision they make, will be agreeable to the Council

Following further discussion on the matter, a motion was made with the following: wetlands will be determined by a case by case basis and for the Poppy Ridge 2 development, it will require Irrevocable Offer of Dedication with the funding mechanism through the Home Owners Association. On motion by Councilmember Ucovich, seconded by Councilmember Millward and passed by the following roll call vote:

Ayes: Fuson, Millward, Morillas, Ucovich

Noes: Scherer

22. Open Space Committee Report

Consider a schedule for the 2005/06 Open Space Committee to complete the open space report by December 2006 and give direction on several organization and operation issues **Recommended action**: Approve the 2005/06 Open space Committee report schedule and decide organization and operation issues

Public comment:

No public comment.

Continued to June 13, 2006.

23. <u>Transportation Ballot Measure</u>

Placer County Transportation Planning Authority is asking for meetings with local agencies to discuss the proposed half cent sales tax measure that is being considered for the November 2006 ballot

Recommended action: Discuss and determine if the Council could hold a special meeting on Thursday June 22nd

Public comment:

No public comment.

Continued to a date uncertain.

24. Cordova Foundation Proposal

Consider a proposal from the Cordova Foundation to give preliminary approval for a temporary academic institution utilizing modular classrooms to be located on part of their vacant land off of the Southwest corner of Barton and Rocklin Roads

Recommended action: Discuss and give direction

Public comment:

Joan Cordova, 5820 Rocklin Road, asked Council if they were receptive to their proposal for a convent and a temporary elementary school and answered questions.

Katy Lyon, 8074 Adam Court, stated the following:

- there are not enough private schools in the area
- the community could be polled to see if there is an interest

Jean Wilson, 4301 Barton Road, asked how many children they were anticipating and for how many years.

Ms. Cordova stated it will be about five years with about 25-40 children from preschool to third grade.

Council discussed the following:

- they need better plans and more information on how the land is going to be used
- inconsistent with what the community wants
- will cause impacts on the neighborhood and the roads

25. Council Initiative Measure

Consider whether to prepare an initiative ballot measure to determine what the will of the People is in regulating development compromises

Recommended action: Discuss and give direction

Public comment;

No public comment.

Withdrawn.

FUTURE AGENDA ITEMS: Items listed will be placed on subsequent agendas typically one at a time in the order shown unless otherwise requested by vote of the Council. Items for future agendas are entered in the order received starting at the bottom.

- 8/1992 Design guidelines Staff
- 10/05 Farmers market site Ucovich
- 10/05 Fire District Report
- 11/05 Identify park sites in Town (Alice fruit stand site??) Ucovich
- 11/05 Sheriff building needs in Town Ucovich
- 12/05 Concrete bench for bus stop at Starr Liquor Ucovich
- 12/05 Town name plate (monument??) at Sunrise Loomis park Ucovich
- 1/06 General Plan revise (flood plains, commercial/industrial lands, sphere) Staff
- 2/06 Appoint Treasurer & Clerk Ucovich
- 2/06 buy Christmas garland (\$15,000?) for Loomis Station light poles Ucovich
- Policy and Process clarifications
- 3/06 Park/Open space/Facility funds

COMMITTEE REPORTS

- 26. Placer County Economic Development Commission Ucovich
- 27. Placer County Flood Control/Water Conservation District Morillas
- 28. Placer County Transportation Planning Agency Ucovich
- 29. Placer County Mosquito Abatement Ucovich
- 30. Placer County Air Pollution Control District Millward/Ucovich
- 31. Sacramento Area Council of Governments Fuson/Ucovich

ADJOURNMENT

Mayor Morillas stated there was no further business and adjourned at 11:08 p.m.

Town Clerk